

UNITED STATES OF AMERICA
BEFORE THE NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

'98 OCT 28 P3:25

BEFORE THE COMMISSION

OFFICE
FILE
ADJUDICATOR

In the Matter of)
)
North Atlantic Energy) Docket No. 50-443-LA
Service Corporation)
) ASLBP No. 98-746-05-LA
Seabrook Station, Unit No. 1)
)
Rockingham County, New Hampshire)
)

RESPONSE TO MOTION BY NAESCO TO WITHDRAW
APPLICATIONS AND TO TERMINATE PROCEEDING

By a pleading dated October 15, 1998, North Atlantic Energy Services Corporation ("NAESCO") has moved that the Commission terminate this proceeding arising out of License Amendment Request ("LAR") 98-03. The LAR was the second "in a planned series of license amendment requests which propose changes to the Seabrook Technical Specifications to accommodate fuel cycles of up to 24 months" according to the cover letter from Mr. Ted C. Feigenbaum.

To date, four in the planned series of five requests, have been submitted to staff, and published in the Federal Register. Each is described as consistent with LAR 98-03 in that it would "accommodate fuel cycles of up to 24 months" by extending surveillance intervals for

various structures, components or systems.

This proceeding arose out of a request for a hearing submitted jointly by the Seacoast Anti-Pollution League ("SAPL") and the New England Coalition on Nuclear Pollution ("NECNP"). Both organizations requested the institution of a proceeding pursuant to Section 189 of the Atomic Energy Act and the Commission's regulations. SAPL and NECNP sought a hearing because of three major concerns: First, that extending the surveillances of components such as the steam generator tubing (the subject of LAR 98-03) would result in a reduction in the margin of safety; Second, that moving to a 24 month fuel cycle, and increasing the potential length of the operational run at Seabrook by 33%, would constitute a reduction in the margin of safety by placing increased stress on the fuel and its cladding; Third, that the NAESCO approach of making a major change in the operational regime for Seabrook in a "series of planned requests" amounted to the segmentation of the proposed change in a manner which would, whether by design or not, preclude effective overall review of the proposed change by the Commission.

The withdrawal of the four applications, coupled with the commitment not to submit the fifth and allegedly final application, would indeed appear to moot the need for any further proceeding before the Commission as provided for in its Order of September 17, 1998, CLI-98-18, as to the first and second concerns of SAPL and NECNP.

The withdrawal of the applications does not, however, eliminate the concern about submitting license amendment requests in a "segmented" fashion which can defeat comprehensive safety review and analysis by the Commission. This is particularly true when, as here, the withdrawal is sought "without prejudice," meaning that NAESCO is free to renew its requests at any time in the future.

In addition, SAPL and NECNP submit that the issue of "segmentation" of requests to amend technical specifications is an issue that not only may be of importance for Seabrook in the future, but for the entire industry. It is also an issue on which the Commission has not to date provided any policy guidance. As the Commission stated in CLI-98-18: "The segmentation issue is novel and has broad implications for this and other proceedings."

Given the "broad implications" of the issue, SAPL and NECNP oppose the mooted of this proceeding, unless the Commission provides another forum for the development of policy guidance on how licensees should present requests to amend technical specifications so as to assure the Commission can review related changes to assure all safety issues are properly resolved in favor of the public health and safety.

Should the Commission decide to address this issue on a generic basis, apart from the particular LAR's involved in this proceeding, by means of a generic policy statement, then SAPL and NECNP would respectfully request that the Commission provide means for public input at least equivalent to that for rulemaking proceedings pursuant to 10 CFR 2.800 et seq. (Subpart H). The touchstone for Commission action on this issue, we submit, must be to assure that Commission oversight of operational changes does not fail to account for all relevant safety issues as a result of a licensee's decision to segment a change into discrete and separate requests when those requests should be combined in order to assess the overall safety significance of the proposed change.

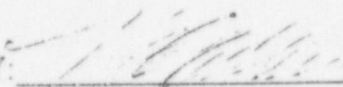
If the Commission undertakes to promptly proceed on this issue on a generic basis, and provides a substantial opportunity for public participation, concerning its proceedings on this

issue, SAPL and NECNP will have no objection to the NAESCO motion to terminate the proceeding.

Respectfully submitted,

Seacoast Anti-Pollution League,
New England Coalition on Nuclear Pollution
By Their Attorneys
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DATED: October 26, 1998

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)	

CERTIFICATE OF SERVICE

I hereby certify that copies the Response to Motion by NAESCO to Withdraw Applications and to Terminate Proceeding in the above-captioned proceeding have been served on the following by deposit in the United States Mail, first class, this 26th day of October, 1998

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